

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2004-038328-001 SE

07/14/2004

COMM. WESLEY E. PETERSON - RCC

CLERK OF THE COURT
T. Nestor-Donohue
Deputy

FILED: 07/19/2004

STATE OF ARIZONA

KEITH D MANNING

v.

JAMES EDWARD FOWLKES (001)
DOB: 09/30/1976

PUBLIC DEFENDER-SE

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
RFR
VICTIM SERVICES DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

State's Attorney:	Merilee Grant
Defendant's Attorney:	Rennie Reeb
Defendant:	Present
Court Reporter:	Dana Smith

Kenneth Colbert addresses the Court on behalf of the Defendant.

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count I Aggravated Driving Under the Influence of Intoxicating Liquor or
Drugs

Class Four (4) Felony

A.R.S. § 28-1383A1, 1381A1, 1383(J), 1444, 3301, 3304, 3305, 3306, 3315, 1304, 1461,
13-610, 701, 702, 702.01 and 801.

Date of Offense: 01/24/2004

Non Dangerous - Non Repetitive

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OFFENSE: Count IV (Amended) Possession of Drug Paraphernalia
Class Six (6) Undesignated
A.R.S. § 13-3401, 3407, 3415, 3418, 610, 701, 702, 702.01, 707, 801, 802 and
901.01(A).
Date of Offense: 01/24/2004
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count I Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs: Four
(4) month(s) from 07/14/2004
Presentence Incarceration Credit: 51 days
Presumptive

IT IS ORDERED suspending imposition of sentence and, under the supervision of the
Adult Probation Department (APD), placing the defendant on probation for:

Count I Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs
Probation Term: Three (3) Years

Upon release from prison for felony DUI (Four (4) Months; 51 days credit).

Count IV (Amended) Possession of Drug Paraphernalia Probation Term: Three (3) Years

Upon release from prison for felony DUI (Four (4) months; 51 days credit).

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

RESTITUTION: Count I - \$3941.92 payable \$75.00 per month, beginning 01/01/2005, to
the following persons:

ALICIA MARIE VERASON	(Individual)	\$280.00
ALLSTATE INSURANCE Attn: Maureen Jackson	(Business)	\$3661.92

Restitution ledger provided; priority of payment as stated in the restitution ledger.

FINE: Count IV - Total amount of \$1000.00, payable \$30.00 per month beginning
01/01/2005. Surcharges are waived.

Fine is to be paid to the Arizona Drug Enforcement Fund.

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ASSESSMENTS:

Count I: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count I: PROBATION SURCHARGE: \$5.00

Count I: \$250.00 to the DUI Abatement Fund, payable \$10.00 per month, beginning 01/01/2005.

Count IV: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count IV: PROBATION SURCHARGE: \$5.00

PROBATION SERVICE FEE: Count I - \$50.00 per month, beginning 01/01/2005.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 19 - Count IV: Complete 100 hours of approved community work service at a minimum rate of 20 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 26 - Other: Victim Impact Panel

IT IS ORDERED granting the Motion To Dismiss the following: Counts II, III and V.

Count(s) I: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) IV: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

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cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ COMM. WESLEY E. PETERSON - RCC
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)